

REMARKS

The Official Action of August 4, 2005, and the prior art cited and relied upon therein have been carefully studied. The claims in the application remain claims 1-13, and these claims define patentable subject matter warranting their allowance. Favorable reconsideration and such allowance are respectfully urged.

Claims 1-13 remain in the application for consideration.

The Examiner has rejected claims 1-13 under 35 U.S.C. §112, second paragraph, as being indefinite to point out and distinctly claim the subject matter which Applicant regards as the invention. This rejection is directed primarily to the fact that "the centering means" set out in amended claim 1 does not clearly identify the function such means is intended to perform. As such, the Examiner maintains that it is unclear what structural features described in the disclosure are intended to be included in the claimed "means". In response, Applicant has amended claim 1 to identify the means as "linking [a centering] means for moving all of said clamping jaws together always equidistant from the central axis of said plate". Applicant has also made a corresponding

amendment on line 11 of page 5 of the specification indicating that, "The [function of] the plates 11 and connecting rods 9 form linking means for linking [is to link] together all the clamping jaws which grip the edge of the wheel rim 7 such that they are always equidistant from the axis of the shaft 3 of the tire removal machine.

Applicant respectfully submits that the above amendments made clear the function the "linking means" is intended to perform as required under 35 U.S.C. §112, sixth paragraph, and the structure identified in the specification, i.e. plates 11 and connecting rods 9, which comprise the "linking means".

Applicant has further amended claims 2, 9 and 11 to eliminate each of the problems identified by the Examiner in these claims. Applicant respectfully submits that the Examiner's 35 U.S.C. §112 rejection has now been overcome.

The Examiner has further rejected claims 1-3 and 13 (as best understood) under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Cunningham '289. Applicant respectfully traverses this rejection for the following reasons.

The amendments made to claim 1 clearly establish that the jaws are directly connected to linking means and a

positioner operably connected between at least one of the jaws and actuator means so that movement of the positioner engaged to the at least one jaw simultaneously moves the remaining jaws.

In comparison, in Cunningham, each jaw is separately and slidably engaged on a clamp carrier 21 engaged on table top 11. In this arrangement, to move the working portion of the Cunningham jaws relative to its central axis, it is necessary to separately operate each jaw relative to its position. Clearly, the arrangement of the invention, according to amended claim 1 permitting adjustment of all the clamps at the same time by a single movement, permits a faster and easier way to vary the working position of the jaws.

Applicant respectfully submits that Cunningham does not disclose the primary inventive feature of amended claim 1 nor suggest or give any hint of the features of the invention set out therein. Accordingly, the claimed invention clearly patentably defines over Cunningham.

In response to an August 11, 2005, telephone call, Applicant understood from the Examiner that he had repeated his prior art rejection on the basis that the claimed "centering means" was not taken into consideration when applying the Cunningham patent due to his inability to

determine its purpose as explained in his 35 U.S.C. §112 rejection. Applicant's amendments to the claims including that clarifying the "center means" are clearly limited to overcoming the Examiner's 35 U.S.C. §112 rejection and therefore do not raise any new issues. Accordingly, absent a new action providing a prior art teaching of the claimed "linking means", Applicant submits that this application is now in condition for allowance.

Further, if the Examiner should continue to reject claims 1-3 and 13 over Cunningham for reasons not yet provided, Applicant submits that claims 4-12 are now in condition for allowance as they have been free from any prior art rejection in both of the Examiner's Office Actions, and overcome the Examiner's 35 U.S.C. §112 rejection for the reasons noted above.

Acknowledgement by the PTO of the receipt of Applicants' papers filed under Section 119 is noted.

The prior art documents made of record and not relied upon have been noted along with the implication that such documents are deemed by the PTO to be insufficiently pertinent to warrant their applications against any of applicant's claims.

Appln. No. 10/698,359
Amdt. dated October 28, 2005
Reply to Office Action of August 4, 2005

Favorable reconsideration and allowance are
earnestly solicited.

Respectfully submitted,

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